

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087820, 496	03/19/97	WILHELM	

ALFRED M WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747

MM51/0807

EXAMINER
KAPLAN

ART-UNIT 283 PAPER NUMBER

08/07/98

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

Office Action Summary	Application No. 08/820,496	Applicant(s) Wilhelm
	Examiner Jonathan Kaplan	Group Art Unit 2836

Responsive to communication(s) filed on Apr 28, 1998.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-4, 7, 9-11, 13-16, 19, and 22-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 3, 4, 10, 25-27, 29, 34, and 35 is/are allowed.

Claim(s) 1, 2, 7, 9, 11, 13-16, 19, 22-24, 28, 30-33, and 36 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2836

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 lacks proper antecedent basis of "said photovoltaic panel".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9, 13, 16, 19, 22, 23, 30, 33, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Gnaedinger.

Gnaedinger discloses in figure 1, a high efficiency lighting system for maintaining normal lighting condition by lighting fixtures requiring DC electrical power comprising: power control means (3), a grid source (AC power source, 5), lighting fixtures (L1-L5), said power control means converting said AC electrical power to DC electrical power (diodes d1 and d3), battery means (8) , said battery means being connected to said power control means for being maintained in a fully charged condition (9) by said power control means during normal supply of AC

Art Unit: 2836

electrical power from said grid source; and said power control means delivering said required DC electrical power from said battery means to said lighting fixtures only during an AC electrical power outage to maintain without interruption normal lighting by said lighting fixtures see column 4, lines 33-50.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger in view of Peterson.

Claim 2 adds the limitation of a plurality of control units. Peterson discloses an emergency lighting system with a plurality of control units (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Peterson into Gnaedinger's device for the purpose of controlling a plurality loads in different rooms or branch circuits.

Claim 7 adds the limitation of allowing either AC or DC power to operate said lighting fixtures. Peterson discloses an Emergency Lighting System wherein the lights can operate with either AC or DC power. It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 2836

the invention was made to utilize the teachings of Peterson into Edwards et al.'s device for the purpose of providing a system which will work with either AC or DC power.

6. Claims 11, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger in view of Alenduff et al. (4,731,5467).

Claim 11 and 14 add the limitation of a cogeneration source of electrical power. Alenduff et al. discloses main power supply (utility network) for supplying power to a load (operation unit) and an additional power supply unit (24) for supplying additional power to the load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Alenduff et al. into Gnaedinger device for the purpose of providing additional power to operate the load properly.

7. Claims 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger in view of Nakata.

Claims 15, 28, and 32 add the limitation of wherein the DC source used to charge the battery is a photovoltaic system. Nakata discloses a photovoltaic system or solar panel which charges a back up battery for supplying power to a load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nakata into Gnaedinger's device for the purpose of providing a power source which can continuously supply power to a battery so that the battery is always available to supply power to a load.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger in view of Kobayashi et al.

Art Unit: 2836

Claim 24 adds the limitation of limiting said converted AC electrical power to DC electrical when load requirement exceed said predetermined threshold limit, wherein said battery means provides any additional required DC electrical power. Kobayashi et al. discloses a power supply system in which the battery supplies addition power in the event the main source can not supply the proper operating voltage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kobayashi et al. into Gnaedinger's device for the purpose of supplementing the main power source so that the load will have a sufficient amount of power to operate the load.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

10. Claims 3, 4, 10, 25, 26, 27, 29, 34, and 35 are allowed over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan S. Kaplan whose telephone number is (703) 308-1216.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1782.


JSK

August 3, 1998


Jeffrey Gaffin
Supervisory Patent Examiner
Technology Center 2800